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May 7, 2004

Benjamin L. Ginsberg
Glenn M. Willard
(202) 457-6405
bginsberg@pattonboggs.com

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2005 MAY -7 A 10:11

COURIER

Mr. Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: **MUR 5411**

Dear Mr. Jordan

On behalf of respondents State Senator Jackie Winters, *Jackie Winters for Congress* and Warren J Thompson, as Treasurer for both, this letter responds to the Supplemental Complaint filed by *Zupancic for Congress 2004, Inc.*, in the above referenced matter

Complainant alleges that *Jackie Winters for Congress* failed to include the disclaimer required by the Commission's regulations on a letter and an identical electronic mail communication that she paid for and authorized. The April 14, 2004 e-mail Zupancic attached to the Supplemental Complaint is misleading because it fails to include the entire message, which did contain the required disclaimer. See Howard Affidavit ¶ 3 and Attachment A thereto. The identical letter, dated April 12, 2004, included the disclaimer on the attached response device. See id. ¶ 4 and Attachment B thereto.

As this is another instance of election eve harassment filed by a trailing political opponent, we respectfully ask the Commission to promptly find no reason to believe a violation occurred.

Sincerely,


Benjamin L. Ginsberg


Glenn M. Willard

BEFORE THE FEDERAL ELECTION COMMISSION

State Senator Jackie Winters,
Jackie Winters for Congress 2004, Inc. and
Warren J. Thompson, as Treasurer.

5411
MUR-5367

2004 JUL 23 A 11:24h

RECEIVED
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COMMISSION
OFFICE OF GENERAL
COUNSEL

Affidavit of Darryl Howard

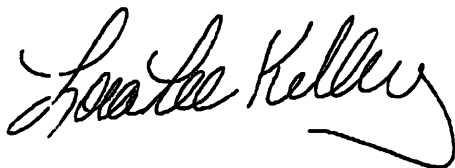
I, Darryl Howard, hereby swear that the following information is based on my personal knowledge, that I am competent to testify, and that it is both true and correct:

1. I am the campaign manager for *Jackie Winters for Congress 2004, Inc.*
2. I am responsible for distributing the electronic mail communication and letter referenced in the Complaint and in Respondents' May 7, 2004 letter to the Federal Election Commission.
3. Attachment A hereto is a true and correct copy of the entire electronic mail communication referenced above.
4. Attachment B hereto is a true and correct copy of the letter referenced above with the response device that was attached thereto.


Darryl Howard

State of Oregon

Signed and sworn to before me this 5th day of May, 2004.



NOTARY PUBLIC

My commission expires: 9/13/04



ivc000ayc

Subject: FW: Former Chairman Sends Letter to District on Behalf of Winters

Original Message**From:** Jackie Winters for Congress 2004 Inc. [mailto:info@jacklewinters.com]**Sent:** Wednesday, April 14, 2004 9:56 AM**To:****Subject:** Former Chairman Sends Letter to District on Behalf of Winters**Contribute
Online** **Join
Tea**

The following letter was sent to the 5th Congressional District today. It speaks for itself.
Jackie

>From the desk of
Perry A. Atkinson
Oregon-Republican Party
Chairman 1999-2003

Monday, April 12, 2004

Dear Fellow Republican,

It is rare that I get involved in a Republican Primary but when I learned that Senator Jackie Winters' opponent in the Fifth Congressional District race, downtown Portland Lawyer Jim Zupancic, had contributed money to Democrat Attorney General Hardy Meyers, it bothered me deeply. This is the same Hardy Meyers that recently refused to enforce the state law banning gay marriage in Multnomah County.

While I was trying to lead the Party, at a time when then candidate George W. Bush lost Oregon by just 6,765 votes, and we were trying to raise money to help Kevin Mannix beat Democrat Attorney General Hardy Meyers, Republican candidate Jim Zupancic was contributing to Democrat Meyers. Not attending a \$10 or \$20 dollar event, but a \$500 contribution. Five-Hundred dollars at crunch time...September, right before the election, when it really makes a difference. While you and your fellow Republicans were giving of their time, their money, late nights on the phones getting headaches and neck aches, doorbelling with tired feet, giving endlessly, unselfishly, for a Republican victory, Jim Zupancic was funding a key Democrat that would prove instrumental not on just the issue of gay marriage but also with the redistricting battle which cost Republicans control of the Senate in 2002.

And now, I find out this is not the first time he has helped the Democrats. He actually helped a Democrat in a State House race when I was Vice-Chair of the Party. Jim Zupancic's actions had real consequences. Jim Zupancic's Democrat won, but luckily we held the House.

In 2000, as Chair of the Party we asked then State Representative Jackie Winters to run for Congress and return the 5th Congressional District to Republican hands. But the timing was just not right. Last year, President Bush asked her to run. Now, I can tell you that whenever you are asked by the President of the United States to help him, it carries a lot of weight on my book. I am glad she decided to say yes because she is a great candidate and will be a member of Congress that we can look up to and rely on.

4/26/2004

ATTACHMENT A

avissaye

In a day and age when our youth need a hero to look up to, Senator Jackie Winters is a person right here in Oregon whose example they can follow... ordinary people doing extraordinary things, that is Jackie Winters. Over coming racial prejudice, going from not being allowed to sit in a restaurant, to owning 3 restaurants and 3 franchises. Getting fed up with the red tape of government and its far reaching regulations and deciding to do something about it. Becoming the first Republican African American Woman elected to the Oregon State Legislature.

Now Jackie Winters may very well be, with our help, the first African American Republican Woman ever elected to the US House of Representatives in the history of these great United States. She is truly an American success story.

But Jim Zupancic has sent out nearly 70 news releases attacking Senator Winters, yet is not willing to tell you about his own tax and spend record. Well, I will.

Just 18 months ago, Jim Zupancic thought that we needed a "redesign of our tax system" Zupancic said he "would like to take a leadership role in providing the catalyst to bring business and labor together on this issue." What was the issue? A referral to the people that included a consumption tax. That is right, Jim Zupancic wanted a sales tax on the ballot. Well Mr. Zupancic, your Democrat friends like Hardy Meyers may want a sales tax but the voters of Oregon have turned down a sales tax 9 times and we don't need your leadership in wasting the taxpayers dollars by putting it on the ballot again. No on the sales tax means exactly that.

But that is not the only tax increase Jim Zupancic has supported. He has supported a lot of big tax increases over the last ten years. The list includes a real estate transfer tax, a gift tax increase, increased vehicle and registration fees, he opposed putting the "kicker tax refund" in the constitution. He opposed Measure 88, the Legislative referral that would have increased the deduction of federal income taxes paid on Oregon state income tax returns. He opposed a constitutional spending limit. He opposed Ballot Measure 95, which would have implemented school accountability measures like pay for teachers tied to performance. Is it any wonder with his stances that he earned the endorsement of the powerful teacher's union. He was even endorsed by the Oregon School Boards Association and the only reason was his strong pro-tax position. When he had the chance to support Vera Katz and the "Katz plan" now known as CIM/C, he took it and supported the plan.

Less than 2 years ago, in his answers to the Coalition for School Funding Now questionnaire, as a candidate for State House District 38 Jim Zupancic said "I believe that public schools do need more money to be effective." Then he promised to fully fund it a "if necessary, increased taxes." Jim Zupancic is now running ads that say "raising taxes never the answer." To his new ads, I say he should have thought about his position before he ran the old pro-tax ads in the Lake Oswego Review newspaper and filled out the Coalition for School Funding Now questionnaire. His record over the past ten years is very clear to me.

But Jim Zupancic's record is not just on taxes. When we had the chance to reform PERS in 1994, he opposed it. I can't begin to imagine what better financial shape the state would be in if it would have passed. He opposed the judicial reform measures that would have reformed our judiciary system. That would have reformed the same "justice system" that threw out property rights Measure 7, and the crime victims' rights measure which finally gave both crime victims and their families a legal voice against the criminal monsters like Scott Dean Harberts who shattered their lives.

Just recently Jim Zupancic refused to return a questionnaire to the National Rifle Association. Now as many of you know, our party platform supports the right to keep our bare arms. As President Reagan once said "I believe the Republican Party has a platform that is a banner of bold, unmistakable colors, with no pastel shades." The Second Amendment, or as the NRA puts it, "Our First Freedom" has ensured that this great republic stays free for over 227 years.

In the NRA's recent endorsement of Jackie Winters the NRA wrote "you have been a strong

4/26/2004

supporter of the Second Amendment and have demonstrated a dedication and commitment on this important issue." Jackie Winters earned an "A" rating from the NRA, Jim Zupancic refused to return the questionnaire. A stark contrast.

But I think what the NRA wrote regarding Jim Zupancic's refusal to return the survey is revealing. They wrote, "We are extremely grateful that, unlike your opponent in the primary election, you took the time and effort to complete and return our survey. Our association and its membership rely upon these questionnaires to help them evaluate candidates for public office to determine which ones are in fact Second Amendment supporters, and failure to respond is a clear indication of indifference, if not outright hostility, towards law-abiding gun owners and sportsmen." I think those are the harshest words I have seen written by the NRA about a candidate not returning their questionnaire.

I believe that when a candidate refuses to return a survey they either do not agree with that group, or just do not want to take a stand. We already have enough people in public office who refuse to take a stand.

On the issue of life, Jackie Winters has been endorsed by Oregon Right to Life seven times including this election to Congress.

One thing I admire about Senator Winters is she is willing to take a stand. Do we agree every issue, no. But she is willing to take a stand, yes. With her internal compass she can tell you exactly why she feels that way. Open, honest, tough but yet caring, willing to make a decision, yes means yes and no means no. Sounds a lot like President George W. Bush. And not surprisingly so, they have something in common, it is called character. In 2000 Candidate George W. Bush never abandoned his values and he was elected President. We trust in him because of his internal compass. The issues of today will be gone tomorrow. Tomorrow's issues are yet to come. That is why we choose our elected officials not just by judging if they feel the same way we do, but on their character. Can we trust in them to do what is right for the nation? Will they ensure our nation is in better shape for our children or will they act in their own self interest when they cross over the Potomac River? Jackie Winters has the character we need in Congress.

America has faced many challenges. President Reagan said that he considered himself a "Steward" of the highest office of the land. We, as a nation, have called on "stewards" to serve their nation. We ask a lot of them. Preserve the Republic, hold tight our rights so they are not released to some foreign entity, protect our shores. Lead our nation through the easy and the tough times. Leadership is not easy. I know what mettle Jackie Winters is made of. She truly fits the Reagan definition when he said "A leader, once convinced of a particular course of action is the right one, must have the determination to stick with it and be undaunted when the going gets tough." That is Jackie Winters.

In just 200 days we have the opportunity to return the 5th Congressional District to Republican hands, but only if we have a solid candidate we can trust. Jackie Winters is that candidate. I ask you to join me in supporting Jackie Winters.

In the last few days of the Primary Election, Jackie needs all the help we can give her. Tell your friends, send an email asking them to vote for Jackie, log onto her website and make a contribution at www.jackiewinters.com, use the return envelope to make a contribution, endorse her, request or help with yard signs.

Together, we can help President Bush by sending Senator Jackie Winters to Congress. Please remember to Vote for Jackie on May 18th. Thank you.

Sincerely,
Perry A. Atkinson
Chairman,
Oregon Republican Party 1999-2003

[Click here to unsubscribe from our e-mail list.](#)

4/26/2004

Jul-23-04 10:55am From-PATTON BOGGS LLP

20245763156114

T-306 P 06/09 F-753

Page 1 of 1

Paid for and Authorized by Jackie Winters for Congress 2004 Inc. P.O. Box 4760 Salem OR 97302

25 JUL 2004 10:55 AM

4/26/2004

From the desk of
Perry A. Atkinson
Oregon Republican Party
Chairman 1999-2003

Monday, April 12, 2004

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ATTACHMENT B

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Together, we can help President Bush by sending Senator Jackie Winters to Congress. Please remember to Vote for Jackie on May 18th.

Thank you.

Sincerely,



Perry A. Atkinson

Chairman,
Oregon Republican Party 1999-2003

Federal law requires us to use our best efforts to report the name, mailing address, occupation, and name of employer for individuals whose contributions exceed \$200 per election cycle.

NAME _____

HOME ADDRESS _____

CITY/STATE/ZIP _____

HOME PHONE _____ WORK PHONE _____

FAX _____ E-MAIL _____

EMPLOYER & OCCUPATION _____

☐ My name may be used in an endorsement _____ (please initial if checked)

Yes! I want to help elect Jackie Winters to Congress
Here's how I can help:

- ☐ Distribute campaign literature ☐ Host a coffee ☐ Write letters
☐ Make phone calls ☐ Display lawn signs ☐ Distribute lawn signs

Enclosed is my check for ☐ \$2000 ☐ \$1000 ☐ \$500 ☐ \$100 ☐ \$50
other ☐ \$ _____ to help Jackie's campaign.

(please make checks payable to Jackie Winters for Congress 2004, Inc.)

Contributions to Jackie Winters for Congress for 2004, Inc are not tax deductible as charitable contributions for federal income tax purposes.

Contributions from corporations, labor organizations, federal government contractors, and foreign nationals are prohibited.

Paid for by Jackie Winters for Congress 2004, Inc. PO Box 4760 Salem, OR 97302